

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Weiner, *et. al.* **Confirmation No.** 2255

Serial No.: 10/560,650 **Group Art Unit:** 1632

Filed: May 9, 2006 **Examiner:** Wu Cheng Winston Shen

Title: **NUCLEIC ACID SEQUENCES ENCODING AND COMPOSITIONS
COMPRISING IGE SIGNAL PEPTIDE AND/OR IL-15 AND METHODS
FOR USING THE SAME**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

This Communication is being submitted to provide remarks concerning an obvious error in the Pre-Appeal Brief Request for Review that was filed with a Notice of Appeal on June 22, 2010 in connection with the above-identified patent application. In the process of preparing the documents for submission, a draft version of the Pre-Appeal Brief Request for Review was included in the submission. That draft version contained several errors including one reference which, as written, is contrary to the position urged by Applicants in the Pre-Appeal Brief Request for Review.

Applicants respectfully apologize for the errors in the submitted version of the document. In addition to two instances of a missing space between two words that occur on pages 1 and 3 (page 1, 6th line from bottom - "i.e.the"; and page 3, line 6 - "Thusthe"), and a misspelled word that appears on page 3 (page 3, 3rd line from bottom - "linked"), the first sentence in the section addressing the three anticipation rejections (subheading issues 3, 4, and 5 on page 2) is

incomplete and appears as a run on sentence (page 2, lines 21-23). Furthermore, the last paragraph of that section states on page 3, lines 20-22:

Using the interpretation offered by the Office results in constructions which are contrary to the ordinary meaning of the terms and is therefore not unreasonable.

This sentence was the result of an obvious editing error and is itself inconsistent. When read in context, it is clear that Applicants intended the conclusion of the sentence to refer to the Office's interpretation of the claim language to be "therefore unreasonable" and not "therefore not unreasonable".

Applicants respectfully request that the pre-appeal panel reviewing the Pre-Appeal Brief Request for Review be aware that the document contains the errors described herein and that the sentence on page 3, lines 20-22, which contains the obvious error, as submitted does not accurately reflect the position urged by the Applicants.

Respectfully submitted,

/Mark DeLuca, Reg. No. 33,229/
Mark DeLuca
Registration No. 33,229

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PEPPER HAMILTON, LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183
Telephone: 610-640-7855
Facsimile: 610-640-7835